

S.I. 95 of 2022

SEYCHELLES MARITIME SAFETY AUTHORITY ACT, 2019

(Act 2 of 2020)

**Seychelles Maritime Safety Authority (Appeals Rules of Procedure)
Regulation 2022**

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**Seychelles Maritime Safety Authority (Appeals Rules of Procedure)
Regulation 2022**

In exercise of the powers conferred by section 26(h) of the Seychelles Maritime Safety Authority Act, the Minister responsible for Maritime Affairs hereby makes the following Regulations —

Citation

1. These Regulations may be cited as the Seychelles Maritime Safety Authority (Appeals Rules of Procedure) Regulation 2022.

Interpretation

2. In these Regulations —

“Appeals Board” means the Appeals Board established by section 11 of the Act;

“Secretary” means the Secretary to the Appeals Board appointed under regulation 5;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021;

Appeals

3. A person aggrieved by a decision of the Authority may lodge a notice of appeal to the Appeals Board within one month from receipt of the decision of the Authority.

Lodgement of appeals

4.(1) A notice of appeal under regulation 3 shall as far as practicable be made in the form specified in the First Schedule.

(2) The appellant shall upon filing his or her notice of appeal pay a non-refundable fee as specified in Schedule 2.

(3) The application under subregulation (2) shall be filed with the Secretary.

(4) The Secretary shall register the appeal and forthwith without delay deliver the notice of appeal to the Chairperson of the Appeals Board.

(5) The Secretary shall cause a copy of the notice of appeal to be served on the Authority and shall notify the Authority to compile the record and to send a copy of the record to the Appellant.

Secretary to the Appeals Board

5. The Authority shall appoint a Secretary to the Appeals Board who shall be responsible for —

- (a) ensuring the overall smooth running of the Appeals Board;
- (b) convening the sittings of the Appeals Board after consultation with the Chairperson and members;
- (c) the implementation of decisions made by the Appeals Board; and
- (d) such other duties as the Chairperson may from time to time direct.

Commencement of proceedings

6.(1) The Chairperson shall, upon examination of the application cause the Secretary to issue to the parties in the application a Notice of Mention in the form specified in Schedule 3.

(2) At the hearing of the mention the parties shall make appropriate disclosure of documents they wish to rely upon at the hearing.

(3) The Secretary shall record the date set for hearing and shall ensure that all parties have notice of the date set for hearing.

Hearings before the Appeals Board

7.(1) At a hearing before the Appeals Board, the Chairperson shall take evidence on oath and for that purpose shall administer oaths.

(2) A hearing before the Appeals Board shall be open to the public but, may be heard in private if —

- (a) the circumstances so warrant; or
- (b) the Appeals Board considers it appropriate.

Evidence rules and Natural Justice

8.(1) The rules of evidence which apply in civil cases before the Supreme Court shall apply in all matters before the Appeals Board.

(2) Whilst hearing an appeal, the Appeals Board shall ensure that the rules of Natural Justice are observed.

Arguments or submissions before the Appeals Board

9.(1) Any party to proceedings before the Appeals Board, or the authorised representative of that party shall declare to the Appeals Board at the earliest opportunity whether he or she intends to make oral or written submissions during the course of the proceedings.

(2) Where a party to the proceedings or his or her authorised representatives has chosen to file written submissions, he or she shall arrange to submit copies thereof to the Secretary of the Appeals Board at least 14 working days before the date fixed for consideration of the matter by the Appeals Board.

Proceedings in absence of a party

10. Where on a date fixed for any particular matter before the Appeals Board, any party to the proceedings who was present when the date was fixed does not appear, the proceedings may be continued in the absence of that party or the Chairperson may issue an Order, Direction or Notice as he or she shall consider appropriate.

Minutes and records of proceedings

11.(1) The Secretary shall keep a record of any oral evidence given at the hearing before the Appeals Board and the record shall be signed by the Chairperson.

Decisions of the Appeals Board

12.(1) Section 12(3) shall apply to a decision of the Appeals Board.

(2) Three members of the Appeals Board shall constitute a quorum at any sitting of the Appeals Board.

(3) In the event that there is no quorum for a sitting of the Appeals Board in circumstances of members being absent or members being secluded pursuant to regulation 13, the Minister shall appoint suitable members necessary to constitute a quorum for the hearing of a matter before the Board.

(4) Every decision of the Appeals Board shall be signed and dated by the Chairperson and two other members.

(5) The Appeals Board shall treat an application with the urgency that it requires, and as far as practicable a decision shall be issued within 21 days from the date of conclusion of the final arguments.

(6) A certified copy of the decision shall be served on the parties to the proceedings within 14 days from date that the decision is made.

Offences

13. A person who —

- (a) willfully insults or obstructs a member or any officer of the Appeals Board in the course of any proceedings of the Board;
- (b) willfully insults or obstructs a witness or other person in attendance at any proceedings of the Appeals Board;

- (c) willfully interrupts or disrupts, or otherwise misbehaves at, any proceedings of the Appeals Board,

commits an offence and shall be liable upon conviction to a fine of level 3 on the standard scale.

Disclosure of interest

14. Where a member is present at proceedings before the Appeals Board and that member or a close relative of that member, has direct or indirect interest in a matter being dealt with in those proceedings, the member shall, before or as soon as practicable after the commencement of the proceedings, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to, the matter under consideration.

SCHEDULE 1

[Regulation 4(1)]

Form of Notice of Appeal

Before the Appeals Board established under section 11 of the Seychelles Maritime Safety Authority Act, 2019

Appellant:

Respondent: Seychelles Maritime Safety Authority

Case No:

NOTICE OF APPEAL

Take Notice that the Appellant appeals to the Appeals Board against the decision of the Seychelles Maritime Safety Authority dated (copy attached) on the following grounds —

- 1.
- 2.
- 3.

Dated this day of, 20.....

Signed (Appellant)

The address for service of the Appellant is

SCHEDULE 2

[Regulation 4(2)]

Fees for filing of Notice of Appeal

Appellant		Fees (SCR)
(a)	For a Seychellois	SCR500.00
(b)	For a Non-Seychellois	SCR1000.00

SCHEDULE 3

[Regulation 6(1)]

The Appeals Board of the Seychelles Maritime Safety Authority

Notice of Mention

..... **Applicant**

Versus

..... **Respondent**

Cs No.....

TAKE NOTICE that the above case will be mentioned on the at am/pm.

You are hereby required to appear before the Seychelles Maritime Safety Authority Appeals Board, located at the building at Victoria on the above mentioned date and time.

Dated this day of 20

SECRETATRY OF THE APPEALS BOARD

To be served on: 1. XXXX

MADE this 15th day of September, 2022.

**ANTONY DERJAQUES
MINISTER OF TRANSPORT**
